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Honorable Espionage II

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Based upon the legal context established in my first essay (see JODD, February 1984) and in recognition of my stated purpose to postulate realistic ethical canons for the conduct of intelligence activities, I would submit the following as my first rule for intelligence professionals.

First Canon: The intelligence professional should conduct all activities in compliance with the laws of the United States

This is the second in a series by Michael Barrett, assistant general counsel with the Central Intelligence Agency, on the legal and moral status of the intelligence professional in a free society. In the first part of this three-part series, Barrett made a case for regarding the intelligence profession as a necessary concomitant of a modern free society and asserted that its proper function is historically legitimate and fundamentally legal. This installment deals with seven of the 14 canons Barrett suggests as a code of ethics for the intelligence community.

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and with the generally recognized moral foundations of international law.

The intelligence profession, like any other, has had its share of moral failures. These incidents only serve to underline the need to instill and nurture a sense of ethics and integrity in all those who enter the profession. This can only be accomplished through education and commitment, which of themselves represent a heavy responsibility, but the resulting professionalism and sense of integrity reflect well on not only the intelligence professional but on the nation and society he represents. Historically, some of our finest statesmen have entered the ranks of the intelligence profession, men like Washington, Franklin, Jay and Adams. A continued and well-directed effort to educate our intelligence professionals in the technical skills, general knowledge, ethics and philosophy of their profession can only serve the best interests of all concerned.

Second Canon: The intelligence professional should have a thorough knowledge of his profession and a respect for its function in a free society; he should exercise sound and faithful judgment and exhibit integrity of character in his private and professional conduct.

History has taught us that even the finest and most comprehensive rules must have their exceptions. Unusual or highly complex situations often require the adaptation of standardized rules to the individual case. This is complicated by the fact that this mortal existence offers very few clear choices between black and white. Most of the important decisions facing us are cast in shades of grey.

The intelligence community has faced its share of difficult decisions. In 1975, the Rockefeller Commission criticized the CIA for providing disguise and surveillance materials to White House staffer E. Howard Hunt before the Watergate burglary, but they did acknowledge that the agency was forced into a difficult position. The commission further recognized that some decisions can be virtually impossible, saying, "The commission recognizes that the Director cannot be expected to disobey a direct request or order from the President without being prepared to resign. The instances in which resignation may be called for cannot be specified in advance and must be left to the Director's judgment."

The individual intelligence professional must face similar decisions, and they are seldom easy. In some cases, the "ideal" decision will require information that is not available and options that are nonexistent. It is in the more difficult decisions that the intelligence professional proves his worth.

Third Canon: No general statement of the responsibilities of the intelligence professional can encompass all of the situations in which he may be placed. Each position makes its own distinctive demands. The intelligence professional must clarify these demands for himself in light of the particular role in which he serves and act accordingly.

Basic Intelligence Methods

The intelligence professional must utilize many skills and techniques in order to effectively accomplish his mission. Some of the more basic of these methods have periodically become the subject of philosophical debate in congress, in the White House, in the media and in the intelligence profession itself. Needless to say, there are no easy answers.

Secrecy and stealth are two of the most basic intelligence methods used by the professional. The philosophical conflict posed by these methods is also one of the most basic: one is ex-

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